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6 *Attorneys for Creditor*
7 *U.S. BANK TRUST NATIONAL*
ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS OWNER
TRUSTEE FOR RCF 2 ACQUISITION TRUST

8

9 **UNITED STATES BANKRUPTCY COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION**

11 In re

12
13 Theya Prakashini Kanagaratnam,
14 Debtor.

Case No. 24-40209

Hon. William J. Lafferty

Chapter 7

15 **OPPOSITION TO DEBTOR'S**
MOTION FOR SUMMARY
JUDGMENT (ECF No. 45)

16
17 Subject Property:
2316 Lakeshore Ave Apt 16
18 Oakland California 94606

19
20 U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL
21 CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST
22 (“Secured Creditor”) hereby submits the following Opposition to Debtor’s Motion for Summary
23 Judgment (ECF No. 45).

24
25 1. Debtor, Theya Prakashini Kanagaratnam (“Debtor”), filed a voluntary petition pursuant to
26 Chapter 7 of the Bankruptcy Code on February 15, 2024.

1 2. On or about May 24, 2013, Theya Kanagaratnam (“Borrower”) executed a promissory note
2 in the original principal sum of \$304,200.00 (hereinafter “Note”) which was made payable
3 to Quicken Loans Inc. (hereinafter “Lender”). The Note was and remains secured by a
4 recorded deed of trust (herein after the “Deed of Trust”) encumbering the real property
5 located at 2316 Lakeshore Ave Apt. 16, Oakland, CA 94606 (herein after the “Subject
6 Property”). Subsequently, Lender’s beneficial interest under the Deed of Trust was
7 transferred to Secured Creditor.

8 9. On March 20, 2024, Paul Mansdorf, Chapter 7 Trustee, filed his Report of No Distribution.
10 11. On June 5, 2024, this Court ordered the discharge of Debtor’s personal obligation on the
12 Note (ECF No.29).

13 14. On February 3, 2025, Debtor filed a Motion for Summary Judgment (the "Motion"),
15 challenging Creditor’s standing to enforce its lien pursuant to the Deed of Trust.

16 17. Pursuant to Federal Rules of Bankruptcy Procedure rule 7001(2), if Debtor wishes to
18 challenge the validity of Secured Creditor’s lien, she is required to bring an adversary
19 proceeding, rather than filing a motion, particularly a motion such as Debtor's, in which
20 she requests summary judgment without even referencing an underlying motion on which
21 to obtain judgment.

22 23. Additionally, because the Chapter 7 Trustee has already issued a report of no distribution,
24 and because this Court has already discharged the Debtor, the Subject Property is no longer
25 subject to the automatic stay, and is no longer subject to the jurisdiction of the Bankruptcy
26 Court.

27 28. Finally, Debtor’s Motion appears based upon a “sovereign citizen” theory (writing, for
example, that she is “a woman of flesh and blood, standing on my own square, upon the
land of California Republic”). The Ninth Circuit Court of Appeals has rejected arguments

1 premised on the sovereign citizen ideology as meritless. (See *United States v. Studley*, 783
2 F2.d 934, 937 n.3 (9th Cir. 1986); *Bland v. Moffett* No. 119CV01750JLTSKOPC, 2022 WL
3 1198382 at *3 (E.D. Cal. Apr. 22, 2022), report and recommendation adopted, No.
4 119CV01750JLTSKOPC, 2022 WL 1507034 (E.D. Cal. May 12, 2022).

5 9. For the foregoing reasons, Secured Creditor opposes Debtor's Motion.
6
7 10. Secured Creditor reserves the right to supplement this Opposition at or prior to any
8 hearing on Debtor's Motion.

9
10 Respectfully submitted,

11 **Robertson, Anschutz, Schneid & Crane LLP**

12 Dated: March 17, 2025

13 s/ David Coats

14 David M. Coats, (SBN 295684)

15 *Attorney FOR Creditor U.S. BANK TRUST NATIONAL*
16 *ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY*
17 *BUT SOLELY AS OWNER TRUSTEE FOR RCF 2*
18 *ACQUISITION TRUST*

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10 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

11 In re Case No. 24-40209
12 Theya Prakashini Kanagaratnam, Hon. William J. Lafferty
13 Debtor. Chapter 7

14 **CERTIFICATE OF SERVICE**

15
16
17
18
19 I, Dvaid Coats, hereby declare as follows:

20
21 I am an active member of the State Bar of California and I am not a party to the above-
22 captioned case; my business address is 1 Park Plaza, Suite 600, Irvine, CA 92614.

23 On March 17, 2025, I caused copies of the following document(s) to be served:

24 **1. OPPOSITION TO DEBTOR'S MOTION FOR SUMMARY JUDGMENT (ECF**
No. 45)

25
26 in the following manner on the parties listed below:

- **BY FIRST CLASS MAIL:** Pursuant to Federal Rule of Bankruptcy Procedure 7004(b), I enclosed said document(s) in a sealed envelope addressed to the persons at the address(es) listed below, placed first class postage fully prepaid thereon, and deposited said envelope in a United States mailbox.

DEBTOR

Theya Prakashini Kanagaratnam, *Pro Se*
2316 Lakeshore Avenue #16
Oakland, CA 94606

- **BY ELECTROIC SERVICE (ECF):**

TRUSTEE

Paul Mansdorf

US TRUSTEE

Office of the U.S. Trustee/Oak

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on this 17th day of March, 2025.

/s/ David Coats
David M. Coats, (SBN 295684)